

### **REMARKS**

Applicants reply to the Office Action mailed on March 22, 2006. Claims 1-35 were pending and the Examiner rejects claims 1-35. Applicants amend various claims and address the Examiner's remarks. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Applicants respectfully assert that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made and therefore, Applicants have complied with 37 C.F.R. § 1.56.

### **Claim Objections**

Claims 1, 6 and 13 are objected because of various informalities. Applicants' amendments correct those informalities by providing proper antecedent basis in the claims and Applicants request withdrawal of the objection to claims 1, 6, and 13.

### **Claim Rejections**

#### **Double Patenting**

Claims 1-35 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-35 of copending Application No. 10/710,330. Claims 1, 18, and 21 are provisionally rejected over claims 6 of copending Application No. 10/708,824 and 10/708,829, claim 8 of 10/708,823, claim 33 and 41 of 10/710,329, 10/710,328, 10/710,326, 10/710,315, 10/710,311, 10/708,826, 10/708,825, 10/708,836, 10/708,835, 10/708,833, and 10/708,827, claims 32 and 40 of 10/710,317, 10/710,325, 10/710,324, 10/710,312, 10/710,317, 10/708,830, 10/708,832, 10/708,834, and

10/708,831. While Applicants respectfully disagree with this double patenting rejection, in the interest of compact prosecution, Applicants submit a terminal disclaimer, without prejudice, in compliance with 37 C.F.R. § 1.321(c). Applicants also assert that this provisional non-statutory double patenting rejection is based on the above-listed application, which is commonly owned with this application by assignee, American Express Travel Related Services Company, Inc.

### §102 Rejections

Claims 1-4, 8, 10-12, 16-22, 24, and 26-33 are rejected under 35 U.S.C. §102(e) as being anticipated by Black U.S. 2005/0122209 (“Black”). Applicants respectfully traverse.

Black is directed towards the use of biometric authentication in connection with various known transaction devices, such as an RFID device having a single transponder. Thus, while Black may disclose various RFID transaction and biometric security technologies, Black does not disclose or suggest at least “a biometric sensor configured to detect at least one of a first proffered biometric sample and a second proffered biometric sample, said biometric sensor configured as a switch to communicate with said system to selectively facilitate control of an order of operation of said first transponder and said second transponder” as recited in amended independent claim 1.

Black also does not disclose or suggest at least “receiving a second RF interrogation signal at a second transponder associated with said first transponder, said first RF interrogation signal distinct from said second RF interrogation signal; . . . and proffering a second biometric sample at a biometric sensor to initiate verification of said second biometric sample for facilitating authorization of a transaction using said second transponder” as recited in amended independent claim 18.

Black also does not teach or suggest at least “authorizing a transaction to proceed using at least one of said first and second transponders based upon verification of a corresponding one of said first and second proffered biometric samples” as recited in amended independent claim 27.

Accordingly, Applicants assert that claims 1, 18, and 27 are patentable over the cited references. Similarly, claims 2-4, 8, 10-12, 16-17, 19-22, 24, 26, and 28-33 variously depend from claims 1, 18, and 27 and contain all of the respective elements thereof. Therefore, Applicants respectfully submit that these claims are differentiated from the cited reference at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-4, 8, 10-12, 16-22, 24, and 26-33.

#### §103(a) Rejections

Claims 5-7, 9, 14, 23, 25, and 34-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Black. Claims 1 and 12 stand rejected over Black in view of Martizen et al. U.S. 2002/0191816 (“Martizen”). Claim 13 stands rejected over Black/Martizen et al., in view of Moebs et al. U.S. 2005/0065872 (“Moebs”). Applicants respectfully traverse.

As stated above, Black is directed towards use of biometric authentication in connection with various known transaction devices, such as an RFID device having a single transponder. Similarly, Martizen is directed generally towards associating biometric samples with user and account information and Moebs is directed to categorizing consumer transaction risks. In contrast, the presently claimed invention is directed towards a multi-transponder system and method in which different biometric samples are used to select or include individual transponders for use in completing a transaction.

Thus, while Black, Martizen and Moebs may disclose various wireless transaction and biometric security technologies, neither Black, Martizen, Moebs, nor any combination thereof, disclose or suggest at least “a biometric sensor configured to detect at least one of a first proffered biometric sample and a second proffered biometric sample, said biometric sensor configured as a switch to communicate with said system to selectively facilitate control of an order of operation of said first transponder and said second transponder” as recited in amended independent claim 1.

Neither Black, Martizen, Moebs, nor any combination thereof, disclose or suggest at least “receiving a second RF interrogation signal at a second transponder associated with said first transponder, said first RF interrogation signal distinct from said second RF interrogation signal; . . . and proffering a second biometric sample at a biometric sensor to initiate verification of said second biometric sample for facilitating authorization of a transaction using said second transponder” as recited in amended independent claim 18.

Neither Black, Martizen, Moebs, nor any combination thereof, disclose or suggest at least “authorizing a transaction to proceed using at least one of said first and second transponders based upon verification of a corresponding one of said first and second proffered biometric samples,” as similarly recited in amended independent claim 27.

Accordingly, Applicants assert that claims 1, 18, and 27 are patentable over the cited references. Similarly, claims 5-7, 9, 12-14, 23, 25, and 34-35 variously depend from claims 1, 18, and 27 and contain all of the respective elements thereof. Therefore, Applicants respectfully submit that these claims are differentiated from the cited reference at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 5-7, 9, 12-14, 23, 25, and 34-35.

**CONCLUSION**

Applicants respectfully submit that the pending claims (35 total, 3 independent) are in condition for allowance. **The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 19-2814.** Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Respectfully submitted,

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